

## **AFFIDAVIT**

I, Michiko Enciso, being duly sworn, depose and say:

### **INTRODUCTION**

1. I am a Supervisory Border Patrol Agent with the United States Border Patrol (USBP) currently assigned to Tucson Sector Headquarters. I have been employed by the Border Patrol since July 25, 2005. I spent 20 weeks at the Federal Law Enforcement Training Center in Artesia, New Mexico, where I received instruction in constitutional law, immigration law, criminal law, federal and civil statutes. I have also received instruction in targeting and resolving cross border criminal activity impacting Arizona through detection, interdiction, and arrest of people, narcotics, weapons and their smugglers.

2. From July 2015 through October 2015, I served as the Acting Seized Property Specialist at the Nogales Border Patrol Station and the Acting Operations Officer for Tucson Sector Asset Forfeiture Office (AFO). In Nogales, my duties included the handling, transferring and destruction of seized property, vehicles, and narcotics. It involved working with Sector AFO, local storage facilities, other federal agencies and the general public. While at AFO, I led a staff consisting of six Paralegal Specialists assigned to the remitting of forfeitures. I had direct oversight of AFO operations as it related to the fines, penalties, and forfeitures during which I reviewed and approved the work of the Paralegal Specialists to include forfeiture dispositions, transferring seized currency to the bank, meeting with city government officials to coordinate joint forfeiture projects, mitigating financial penalties, while ensuring that all laws, policies, and regulations governing the processing and disposition of these cases were strictly followed.

3. The statements contained in this affidavit are based on my experience as a Border Patrol Agent and information provided by fellow Border Patrol Agents regarding the seizure of a white 2019 Tesla Model 3, VIN 5YJ3E1EB6KF421949, which was used by

the driver, Laura Leottie Porter-Bowley (“PORTER”), and front seat passenger Elias Avila (“AVILA”) to facilitate the smuggling and transportation of three undocumented non-citizens (UNCs).

4. The facts supporting this affidavit were obtained through examination of reports and sworn statements pertaining to the seizure of a white 2019 Tesla Model 3, VIN 5YJ3E1EB6KF421949 and is intended to show that there exists sufficient probable cause for the requested forfeiture and does not portray all my knowledge about this matter.

5. There is probable cause to believe that the 2019 Tesla Model 3, VIN 5YJ3E1EB6KF421949, bearing California license plate number 8LJP088, was used in the commission of crimes in violation of Title 8, United States Code, Sections 1324(a)(1)(A) and 1324(a)(1)(A)(v)(I), and is therefore forfeitable pursuant to Title 8, United States Code, Section 1324(b)(1).

### **FACTS**

6. On September 08, 2022, Border Patrol Agent Joshua Alexander (“BP Agent Alexander”) from the Brian A. Terry Border Patrol Station, in Naco, Arizona, was notified of a camera activation, which observed a white 2019 Tesla Model 3 turn northbound onto South Foudy Road from Arizona State Route 92; and then within two minutes, return to Arizona State Route 92 with three visible occupants. Due to the proximity of the International Border, the intersection of South Foudy Road and Arizona State Route 92 is commonly used to pick up undocumented noncitizens (UNC). Border Patrol Agents in the vicinity were searching for another group of UNCs spotted from a prior shift in the area. South Foudy Road has seen an increase in smuggling activities over the recent months as observed by the Border Patrol Agents assigned to the area of the Brian A. Terry Border Patrol Station. BP Agent Alexander observed a white Tesla Model 3, bearing California license plate number 8LJP088, and confirmed with the camera operator that it was the same

vehicle. BP Agent Alexander allowed the driver to pass his location, near the intersection of Arizona State Route 92 and Rio Vista Road and then pulled out behind the white Tesla Model 3 and continued to follow the vehicle. After gathering the information from the camera observation, observing driver's behavior in the presence of a marked Border Patrol service vehicle while following, and based on previous smuggling patterns and trends, BP Agent Alexander initiated a traffic stop near Mile Marker 348 on Arizona State Route 92 near Bisbee, Arizona to conduct an immigration inspection on all occupants of the vehicle while suspecting smuggling activity. The driver, identified as Laura Leottie Porter-Bowley ("PORTER"), stated she and the front seat passenger, identified as Elias Avila ("AVILA"), were United States Citizens. PORTER stated that she did not know the three individuals in the rear seat. PORTER and AVILA were wearing clean clothes, while the three passengers in the back seat were wearing torn and tattered clothing.

7. PORTER stated she and a friend were coming from Sierra Vista, Arizona, which is about twenty-four (24) miles to the north, and they were just giving the passengers a ride. BP Agent Alexander questioned the three passengers in the English language, to which they did not reply. BP Agent Alexander then questioned the three passengers in the Spanish language to which all three admitted to not having proper documentation to enter, pass through, or remain in the United States legally.

8. The three UNCs inside PORTER's 2019 Tesla Model 3 were identified as Isaias Hernandez-Garcia country of citizenship ("COC") Mexico, Victor Gonzalez-Hernandez COC Mexico, and Elias Bustamante-Nino COC Mexico. It was determined that the three passengers were Undocumented Noncitizens who had recently crossed into the United States without inspection in violation of the law.

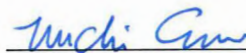
9. During a post-Miranda interview, PORTER stated that she is from Blythe, California and the reason she was near Bisbee, Arizona was because a friend of hers contacted her and gave her a contact for a person referred to as "Pinky" and stated "Pinky" needed help. PORTER contacted "Pinky" who stated they needed her to pick up some

people who needed help getting to their families. PORTER was asked by the interviewing agent if she knew these people were undocumented and she stated that she had a feeling that there was a catch to it. PORTER said she was being contacted by "Pinky" on WhatsApp and was given a location on where to pick up people but had not received a drop location yet. PORTER stated when she arrived at the location, it was a small dirt road, and the individuals were walking on the side of the road like hitchhikers.

10. Based on the facts obtained from the immigration inspection, PORTER and AVILA were arrested for alien smuggling, for transporting aliens in furtherance of their illegal entry into the United States, and the vehicle was subsequently seized as a conveyance used in the crime.

### CONCLUSION

11. Based on information contained in this affidavit, I believe there is probable cause that the 2019 Tesla Model 3, VIN 5YJ3E1EB6KF421949, was used in the commission of crimes in violation of Title 8, United States Code, Sections 1324(a)(1)(A) and 1324(a)(1)(A)(v)(I), and is therefore forfeitable pursuant to Title 8, United States Code, Section 1324(b)(1).



Michiko Enciso  
Supervisory Border Patrol Agent  
United States Border Patrol

Subscribed and sworn to before me  
on this 21<sup>st</sup> day of December, 2022.

  
Notary Public

